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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,545	03/09/2001	Stanislaus Pietrucha JR.	2008-00100	7312
27730 7590 04/26/2007 JOHN W. GOLDSCHMIDT, JR. ESQUIRE DILWORTH PAXON LLP 3200 MELLON BANK CENTER 1735 MARKET STREET PHILADELPHIA, PA 19103			EXAMINER LANEAU, RONALD	
			ART UNIT	PAPER NUMBER
			3714	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/26/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/803,545

Applicant(s)

PIETRUCHA ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 179-210 and 212-220 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 179-210 and 212-220 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/20/07 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 179-210 and 212-220 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKinley (2001/0044743) in view of LetsTalk.com.

As to claim 179 and 198, McKinley shows maintaining a database comprising product or service offerings, wherein each of the product or service offerings is offered in and associated

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with one or more geographic markets, and wherein each of the markets associated with the product or service offering is defined in said database independently and with differing levels of geographic detail (it is noted that it is not claimed that the markets are defined independently or that they are defined in the database with different levels of detail – merely that they are defined in such a way; different markets for different products are inherently definable independently and are capable of being specified with different levels of detail, since they can be described in any manner with any level of detail); generating a summary of one or more product or service offerings available from one or more providers; receiving a geographic location via the area code and phone exchange; determining product or service offerings maintained in the database that correspond to the market associated with the geographic location provided by the user; generating a summary of product or service offerings available associated with the market that corresponds to the geographic location; and transmitting the summary. McKinley does not show that offerings in a plurality of categories are maintained; presenting the user with a plurality of offering categories; receiving a selection of a category from a plurality of categories; determining offerings available in the at least one selected category; generating and sending to the user a summary of offerings in the at least one selected category. LetsTalk shows maintaining offerings in a plurality of categories (e.g., wireless service plans, pagers, and wireless phones); presenting the user with the offering categories; and receiving a selection of a category; determining the offerings in the categories; generating and transmitting the offerings. It would have been obvious to one of ordinary skill in the art to modify the method of McKinley as taught by LetsTalk in order to allow the user more choices, and to provide for greater revenue by selling a greater variety of related services and products.

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It is noted that cell service plans, pagers and their associated service, are associated with geographic market areas which would include street address or a subdivision of a street address as claimed.

As to claims 180-183, 186-189, 193-197, 199-202, 205-207, 210, 211, 212-220, it is noted that all elements are shown.

As to claims 184, 185, 203 and 204, McKinley in view of LetsTalk shows all elements of the claim except that the user can manage a user service account to perform at least pay for the service. However, the examiner takes official notice that it is notoriously old and well known in the art to allow a user to manage his account enabling him to pay for the service. It would have been obvious to one of ordinary skill in the art to further modify the method of McKinley by allowing a user to manage his account, enabling him to pay for the service in order to increase customer satisfaction through added convenience, and to further facilitate getting paid for the service.

As to claim 190, McKinley in view of LetsTalk shows storing and manipulating information regarding plans, packages, and features, wherein the plans are the base offerings, the package is a collection of features purchasable together, and the feature indicates an augmentation to the base plan that is purchasable individually (e.g., a cell phone plan; a cell phone plan package having the plan and a leather case for a phone; and features comprising accessories which are augmentations to the plans that are purchasable individually.)

As to claims 191 and 208, McKinley in view of LetsTalk shows all elements of the claim except providing an account for providing customization elements. However, the examiner takes official notice that to do so is notoriously old and well known in the art (e.g., as evidenced in

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Tobin). It would have been obvious to one of ordinary skill in the art to do so in order to increase traffic to the site via additional portals to the customized site.

As to claims 192 and 209, McKinley in view of LetsTalk shows all elements except providing an account for tracking usage. However, the examiner takes official notice that to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method of McKinley by providing an account for tracking usage in order to provide feedback to the providers, allowing them to gauge customer desires and craft better service plans.

#### ***Response to Arguments***

4. Applicant's arguments filed 2/20/07 have been fully considered but they are not persuasive.

Applicant argues that the examiner fails to make a prima facie case of obviousness since there is no suggestion or motivation to modify the references or combine reference teachings so as to arrive at the claimed invention. In response to applicant's arguments, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Applicant further argues that the Examiner has not offered any objective support by way of prior art which would teach or suggest the account management functionality which is disclosed and claimed as part of

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Applicant's invention. In response to Applicant's arguments, all online account is managed by the user to pay for his service. For example, I've been managing and paying most of my bills online and the Examiner reiterates that this feature of the claim is old and well known.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Ronald Laneau*

Ronald Laneau  
Primary Examiner  
Art Unit 3714

4/17/07

rl